

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

SEP 07 2005

JOHN F. CORCORAN, CLERK
BY: DEPUTY CLERK

Donnie McFarlin brings this suit pursuant to 42 U.S.C. § 1983, claiming that officials at Keen Mountain Correctional Facility have violated his rights under the First and Eighth Amendments by failing to provide him with a diet compliant with his Muslim faith, which has allegedly forced him to skip meals. Defendants filed a motion for summary judgment, and the court referred the matter to United States Magistrate Judge Michael F. Urbanski pursuant to 28 U.S.C. 636(b)(1)(B) for a report and recommendation. The Magistrate Judge filed a report and recommendation, finding that no genuine issues of material fact remain and that, even when viewing the evidence in the light most favorable to McFarlin, McFarlin has failed to demonstrate constitutional violations. McFarlin filed timely objections to the Magistrate Judge's report.

The court has reviewed the Magistrate Judge's report, McFarlin's objections, and pertinent portions of the record, and it is hereby **ORDERED** and **ADJUDGED** that the Magistrate Judge's report be **ADOPTED** in its entirety, that the defendants motion for summary judgment be **GRANTED**, and that McFarlin's suit be **DISMISSED** and **STRICKEN** from the active docket of the court.

The Clerk of the Court is directed to send certified copies of this Order to the plaintiff and

to counsel for defendants.

ENTER: This 7/11 day of September, 2005.



UNITED STATES DISTRICT JUDGE